

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

JOHN PLOPPER

-Plaintiff

Vs.

Case Number: 3:23-CV-05029-BP

Deputy Kenen L. Martinez

In his individual capacity

-Defendant

**DEFENDANT DEPUTY KENEN L. MARTINEZ'S MOTION FOR SUMMARY
JUDGMENT**

NOW COMES, Defendant, Kenen L. Martinez ("Deputy Martinez"), acting pro se, and pursuant to rule 56 of the Federal Rules of Civil Procedure, respectfully requests that the Court grant summary judgment in his favor on all issues, claims, and counterclaims. In further support of his motion, Deputy Martinez has separately filed his Suggestions in Support which are incorporated herein by this reference.

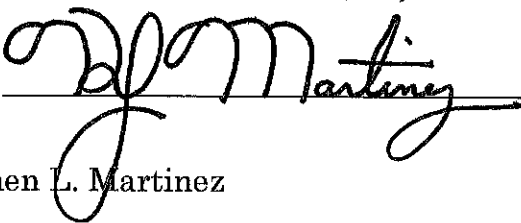
For the following reasons, and as further discussed in his Suggestions in Support, summary judgement is now appropriate.

- 1.) Deputy Martinez is entitled to qualified immunity.
- 2.) Deputy Martinez did not cause any alleged deprivation of the constitutional rights of the plaintiff.
- 3.) Plaintiff has failed to state a claim upon which relief can be granted.

- 4.) When the record, including the Missouri State Highway Patrol Report, the body camera footage of the Cassville Police Department, and the video from the Barry County Detention Center are reviewed it becomes apparent there is no genuine issue of material fact and Deputy Martinez is entitled to summary judgement as a matter of law.
- 5.) WHEREFORE, for the foregoing reasons, as well as those in his Suggestions in Support, Deputy Martinez respectfully requests that the Court grant summary judgment in his favor, for costs incurred herein, grant defendant leave to file a motion for sanctions against plaintiff and/or his counsel, and for such other and further relief as the Court deems just and proper.

Respectfully submitted

Deputy Kenen L. Martinez, *Defendant*

By:  _____

Kenen L. Martinez

Defendant acting pro se

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CERTIFICATE OF SERVICE

I hereby certify that September 20th, 2023, I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

Exhibits D,E,F,G are audio, audio/visual, or video files that are too large to upload in CM/ECF and will instead be sent to the following.

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The Honorable Chief Judge Beth Phillips

400 E. 9th Street

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By: _____

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